

IC 3-7-11

Chapter 11. State Administration of Voter Registration

IC 3-7-11-1

Designation of chief state election official

Sec. 1. The co-directors of the commission are jointly designated under 42 U.S.C. 1973gg-8 as the chief state election official responsible for the coordination of state responsibilities under NVRA.

As added by P.L.12-1995, SEC.20. Amended by P.L.8-1995, SEC.20.

IC 3-7-11-2

Duties of NVRA official

Sec. 2. The NVRA official shall do the following:

- (1) Coordinate with the commission to oversee the implementation and administration of NVRA by the state, county, municipal, and nongovernmental offices designated as registration sites under this article.
- (2) Develop training programs to assist the offices described in subdivision (1) in properly administering registration services.
- (3) Protect the fundamental rights of voters.
- (4) Consult with the federal Election Assistance Commission under 42 U.S.C. 1973gg-7 to develop a federal mail registration form.
- (5) Comply with 42 U.S.C. 1973gg-4(b) by making federal and state mail registration forms available for distribution through governmental and private entities, with particular emphasis on making the forms available for organized voter registration programs.
- (6) Comply with 42 U.S.C. 1973gg-6(g) by notifying a county registration officer whenever the NVRA official receives information from a United States attorney that:
 - (A) a person has been convicted of a felony in a district court of the United States; or
 - (B) the conviction has been overturned.
- (7) Receive notices from voter registration agencies in other states indicating that a person has registered in that state and requests that the person's registration in Indiana be canceled.
- (8) Forward notices received under subdivision (7) to the appropriate circuit court clerk or board of registration for cancellation of the voter's registration as provided in 42 U.S.C. 1973gg-6(a)(3)(A).
- (9) Assist the federal Election Assistance Commission under 42 U.S.C. 1973gg-7(a)(3) by preparing reports concerning the impact of NVRA on election administration in Indiana.
- (10) Recommend improvements to the Federal Election Commission concerning federal and state procedures, forms, or other matters affected by NVRA.
- (11) Develop public awareness programs to assist voters in understanding the services available to them under NVRA.

As added by P.L.12-1995, SEC.20. Amended by P.L.8-1995, SEC.21; P.L.209-2003, SEC.20.

IC 3-7-11-3

Written notice of violation

Sec. 3. (a) This section applies when a person aggrieved by a violation of:

- (1) NVRA; or
- (2) this article;

files a written notice of the violation with the NVRA official under 42 U.S.C. 1973gg-9(b) or this chapter. A person who files a written notice of violation under this section must state in the notice whether the person has filed a written notice concerning the violation with the circuit court clerk under IC 3-7-12.

(b) The NVRA official shall promptly provide a copy of the notice by first class mail to:

- (1) the person alleged to have committed the violation; and
- (2) the members of the commission.

(c) Notwithstanding this chapter, a person aggrieved by a violation of NVRA or this article may file a written notice of violation with the circuit court clerk of the county where the violation allegedly occurred. If a person files a written notice with the circuit court clerk, the NVRA official shall not begin enforcement procedures under this chapter regarding the complaint unless the person files a complaint with the NVRA official under this chapter.

(d) This subsection applies if the written notice of violation alleges that either co-director has committed a violation. The aggrieved person shall file the written notice with the chair of the commission. The chair of the commission shall perform the duties otherwise performed by the NVRA official concerning a written notice of violation.

As added by P.L.12-1995, SEC.20. Amended by P.L.8-1995, SEC.22.

IC 3-7-11-4

Determination of violation

Sec. 4. The NVRA official shall determine whether a notice filed under section 3 of this chapter describes a violation of NVRA or this article if the facts set forth in the notice are assumed to be true.

As added by P.L.12-1995, SEC.20. Amended by P.L.8-1995, SEC.23.

IC 3-7-11-5

Determination that no violation exists; persons to be notified

Sec. 5. If the NVRA official determines that the notice does not allege a violation of NVRA or this article, even if the facts set forth in the notice are assumed to be true, the NVRA official shall provide a copy of the determination by certified mail to:

- (1) the person who filed the notice;
- (2) the person alleged to have committed the violation;
- (3) the members of the commission; and

(4) the attorney general.

As added by P.L.12-1995, SEC.20. Amended by P.L.8-1995, SEC.24.

IC 3-7-11-6

Investigation of violation

Sec. 6. If the NVRA official determines that the notice alleges a violation of NVRA or this article if the facts set forth in the notice are assumed to be true, the NVRA official shall conduct an investigation under IC 3-6-4.2.

As added by P.L.12-1995, SEC.20. Amended by P.L.8-1995, SEC.25; P.L.209-2003, SEC.21.

IC 3-7-11-7

Report of investigation; copies

Sec. 7. The NVRA official, upon completing the investigation, shall submit the results of the investigation to the commission, who shall then issue a written report. The commission shall provide a copy of the report by certified mail to:

- (1) the person who filed the notice;
- (2) the person alleged to have committed the violation;
- (3) the members of the commission; and
- (4) the attorney general.

As added by P.L.12-1995, SEC.20. Amended by P.L.8-1995, SEC.26.

IC 3-7-11-8

Contents of report

Sec. 8. The report described in section 7 of this chapter must:

- (1) indicate the date when the notice alleging the violation was received by the NVRA official;
- (2) contain findings of fact regarding the alleged violation of NVRA or this article and state whether a violation of NVRA or this article appears to have occurred;
- (3) state what steps, if any, the person alleged to have committed the violation has taken to correct a violation or to prevent a reoccurrence of a violation;
- (4) suggest any additional measures that could be taken to correct a violation;
- (5) indicate the date when a violation was corrected or is expected to be corrected; and
- (6) indicate the number of days remaining after the issuance of the report until the next election will be conducted:
 - (A) for a federal office in the jurisdiction where the violation is alleged to have occurred if the notice alleges a violation of NVRA; or
 - (B) for any other office or on any public question if the notice alleges a violation of this article.

As added by P.L.12-1995, SEC.20. Amended by P.L.8-1995, SEC.27.

IC 3-7-11-9

Request for hearing

Sec. 9. (a) Any member of the commission may request that the commission conduct a hearing on the NVRA official's report concerning an alleged violation of NVRA or this article.

(b) The member must file a written request for a hearing under subsection (a) with the NVRA official not later than noon, seven (7) days after the NVRA official's report was mailed under section 7 of this chapter.

As added by P.L.12-1995, SEC.20. Amended by P.L.8-1995, SEC.28.

IC 3-7-11-10

Hearing within 30 days

Sec. 10. The chairman of the commission shall convene the hearing as promptly as possible, but not later than thirty (30) days after the member files the request for a hearing under section 9 of this chapter.

As added by P.L.12-1995, SEC.20. Amended by P.L.2-1998, SEC.3.

IC 3-7-11-11

Duties of commission after hearing

Sec. 11. After concluding the hearing, the commission shall:

- (1) affirm the report;
- (2) amend the report; or
- (3) refer the matter to the NVRA official for further investigation and submission of a subsequent report to the commission.

As added by P.L.12-1995, SEC.20. Amended by P.L.8-1995, SEC.29.

IC 3-7-11-12

Written summary forwarded

Sec. 12. The commission shall forward a written summary of any action under section 11 of this chapter by certified mail to:

- (1) the person who filed the notice;
- (2) the person alleged to have committed the violation; and
- (3) the attorney general.

As added by P.L.12-1995, SEC.20. Amended by P.L.2-1996, SEC.9.

IC 3-7-11-13

Declaratory or injunctive relief; written notice by person aggrieved

Sec. 13. (a) This section applies to an election for an elected office or on a public question that is not an election (as defined in 2 U.S.C. 431(1) and referenced in 42 U.S.C. 1973gg-1(1)).

(b) The attorney general may file a civil action for declaratory or injunctive relief necessary to carry out this article for the election.

(c) A person aggrieved by a violation of this article concerning the election may provide written notice of the violation to the NVRA official.

(d) Notwithstanding subsection (c), a person aggrieved by a violation of NVRA or this article may file a written notice of violation with the circuit court clerk of the county where the violation allegedly occurred. If a person files a written notice with

the circuit court clerk, the NVRA official shall not begin enforcement procedures under this chapter regarding the complaint unless the person files a complaint with the NVRA official under this chapter.

As added by P.L.12-1995, SEC.20. Amended by P.L.8-1995, SEC.30.

IC 3-7-11-14

Procedures for notice; remedies and procedures for aggrieved person if violation not corrected

Sec. 14. (a) This section applies to a written notice filed under section 13 of this chapter.

(b) The NVRA official and the members of the commission shall comply with the procedures set forth in sections 3 through 12 of this chapter in taking action concerning the notice.

(c) The aggrieved person may file a civil action if the violation is not corrected:

(1) within ninety (90) days after the NVRA official receives the notice; or

(2) within twenty (20) days after the NVRA official receives the notice if the violation occurs not later than one hundred twenty (120) days before the election occurs.

(d) The aggrieved person must provide written notice of the violation to the NVRA official under this section before filing a civil action unless the violation occurs less than thirty (30) days before the election occurs.

As added by P.L.12-1995, SEC.20. Amended by P.L.8-1995, SEC.31.

IC 3-7-11-15

Attorney's fees

Sec. 15. (a) This section applies to a civil action filed under section 14 of this chapter.

(b) A court may allow the prevailing party (other than the state of Indiana) reasonable attorney's fees, including litigation expenses, and costs.

(c) The civil action is in addition to any other rights and remedies provided by law.

As added by P.L.12-1995, SEC.20.